

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

VS.

CALVIN HAYWOOD, et al.,

Defendants.

4:05cv3259

MEMORANDUM AND ORDER

This matter is before the court on filing no. 7, the Memorandum and Order in which I denied the Motion to Proceed In Forma Pauperis filed by the plaintiff, Billy Tyler, and I gave the plaintiff until November 21, 2005 to pay the court's \$250 filing fee for a civil case. The plaintiff is a prisoner subject to 28 U.S.C. § 1915(g), the "three-strikes" provision of the Prison Litigation Reform Act. In filing no. 7, I warned the plaintiff that, in the absence of timely payment of the filing fee, this case would be subject, without further notice, to dismissal without prejudice. The plaintiff has not paid the filing fee, and the deadline has expired.

THEREFORE, IT IS ORDERED:

1. That the plaintiff's complaint and this action are dismissed without prejudice;
2. That all pending motions (e.g., filing no. 6) are denied as moot; and
3. That a separate Judgment will be entered accordingly.

November 21, 2005.

BY THE COURT:

/s/ Richard G. Kopf
United States District Judge